

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LEONITUS JABIR BEY,
Plaintiff,

C.A. NO.: 19-10219- PBS

v.

DAVID PENDER,
Defendant

**DEFENDANT DAVID PENDER'S SUPPLEMENTATION
TO THE MOTION IN LIMINE (DOCKET NO. 47)
TO PROHIBIT THE PRO SE PLAINTIFF FROM
ARGUMENT OR HIS OWN TESTIMONY
FROM MENTIONING ANY PRIOR DISCIPLINE OR
CRIMINAL CHARGES AGAINST THE DEFENDANT**

By motion of the court dated June 24, 2021, the defendant supplements the motion in limine #47) with the attached exhibits evidencing prior disciplinary matters involving the defendant (Exhibits 1, 2 and 3).

The documents were received from the City of Lowell on June 29, 2021.

Exhibit 1 details the disciplinary matter involving complaints of violating internal Police Department Rules and Regulation against the defendant and other officers regarding an incident which occurred on October 26 and 27, 1998 on a union trip to Boston. The defendant was suspended by the Lowell Police Department for a period of one year. That suspension was reduced to six months by the Civil Service Commission by order of January 16, 2001 (PDF pages 3-40). On page 33 of the PDF, the Civil Service Commission states that Pender was charged with a number of violations of the Lowell Police Departments Rules & Regulations, including verbally assaulting a female officer with profanity, and gender related and sexual harassing remarks, and that Officer Pender was not totally honest when answering questions that

were being asked by Internal Affairs. They found discipline warranted but reduced the one-year suspension to six months.

Exhibit 2 involves an incident involving a domestic assault and battery on January 1, 2013 between the defendant and his wife in which he was arrested for assault and battery.¹ (PDF page 24)

The criminal charges were dismissed (see report PDF page 24). The suspension imposed by the City of Lowell (PDF page 12) dated January 28, 2014 was for six months with the six-month suspension conditionally suspended with 10 punishment days.

Exhibit 3 details a disciplinary matter regarding a charge of unnecessary force occurring on September 15, 2016 involving a student at a school in Lowell where the defendant was the school resource officer. The investigation report begins on PDF page 3. The defendant was found to have slapped and put his hand on the neck of an unruly student.

The discipline for this matter is contained in Exhibit 2 (PDF page 38) which is dated January 24, 2017 imposing a suspension of six months for which all but 90 days was suspended.

The Defendant,

By his attorney,

/s/Bradford N. Louison

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Date: June 30, 2021

¹ Exhibit 2 has some additional documents in it relating to the 1998 incident.

CERTIFICATE OF SERVICE

I hereby certify that on this day, I caused the foregoing to be served by ECF upon the pro
se plaintiff:

Leonitus Jabir Bey
P.O. Box 1934
Lowell, Mass 01854

/s/Bradford N. Louison

Bradford N. Louison

Dated: June 30, 2021